

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

TANDUS ALEXANDER AND
DUSTIN ALEXANDER,

Plaintiff,

v.

NAVIENT SOLUTIONS, INC.,

Defendant.

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No. 5:15-cv-837

COMPLAINT AND DEMAND FOR JURY TRIAL

TANDUS ALEXANDER and DUSTIN ALEXANDER (Plaintiffs), through attorneys,
KROHN & MOSS, LTD., allege the following against NAVIENT SOLUTIONS, INC.
(Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on Telephone Consumer Protection Act, 28 U.S.C. § 227 *et seq.* (TCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this Court over Plaintiff's Complaint arises pursuant to 28 U.S.C. § 1331.

3. Because Defendant conducts business in the State of Texas, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiffs are each a natural person who reside in San Antonio, Texas.

6. Plaintiff is informed, believes, and thereon alleges, that Defendant is a national company with a business office in Reston, Virginia.

7. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

8. In or around 2013, Defendant began constantly and consistently placing telephone calls to Plaintiffs in an attempt to collect an alleged debt.

9. Defendant places telephone calls to Plaintiff Dustin Alexander's cellular telephone at 210-612-32XX.

10. Defendant places telephone calls to Plaintiff Tandus Alexander's cellular telephone at 325-212-26XX.

11. Defendant places telephone calls from numbers including, but not limited to, 765-637-0791.

12. Based upon the timing and frequency of Plaintiff's calls and per its prior business practices, each collection call placed by Defendant to Plaintiff was placed using an automatic telephone dialing system.

13. On June 3, 2013, Plaintiff Tandus Alexander spoke with Defendant's representative, "Jasmin," and requested that Defendant cease calling her cellular telephone.

14. On June 3, 2013, Plaintiff Dustin Alexander spoke with Defendant's representative, "Chelsea," and requested that Defendant cease calling his cellular telephone.

15. On November 26, 2013, Plaintiff Tandus Alexander again spoke with Defendant's representative and requested that Defendant cease calling her cellular telephone.

16. Plaintiffs revoked any consent, either explicitly or implicitly, to receive automated telephone calls from Defendant on the cellular telephones.

17. Despite Plaintiffs' repeated requests to cease, Defendant placed at least one hundred and seventy-seven (177) collection calls to Plaintiff Dustin Alexander and forty-eight (48) collection calls to Plaintiff Tandus Alexander.

COUNT I
DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

18. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiffs to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).
19. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiffs to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiffs respectfully pray that judgment be entered against the Defendant for the following:

20. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);
21. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);
22. All court costs, witness fees and other fees incurred; and
23. Any other relief that this Honorable Court deems appropriate.

Dated: September 24, 2015

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

By: /s/ Ryan Lee

Ryan Lee
Krohn & Moss, Ltd.
10474 Santa Monica Blvd., Suite 405
Los Angeles, CA 90025
Tel: 323-988-2400 x241
Fax: 866-861-1390
rlee@consumerlawcenter.com
Attorney for Plaintiff